

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-CR-0166-DGK-02
)	
CORY T. BROWN,)	
)	
Defendant.)	

**ORDER ADOPTING THE MAGISTRATE’S REPORT AND RECOMMENDATION
DENYING DEFENDANT’S MOTION TO SUPPRESS**

Now before the Court are Defendant Corey Brown’s motion to suppress all evidence recovered from the October 14, 2021, search of 1206 Quail Creek Drive, ECF No. 76; Magistrate Judge Jill A. Morris’s Report and Recommendation recommending the motion be denied, ECF No. 147; and Defendant’s Objections to the Magistrate’s Report Regarding His Suppression Motion, ECF No. 178.

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with the Magistrate’s holding that the motion should be denied.

The Court agrees with the Magistrate’s conclusion that under existing caselaw Defendant lacks standing to challenge evidence derived from a third-party’s phone, but even if he had standing, the Court should deny the motion on the merits. This is because the record demonstrates that even without the data acquired from the third-party phone, law enforcement would have discovered the Quail Creek Drive location. Alternately, the record shows the warrantless acquisition of Mr. Whitley’s cell phone data was reasonable because a majority of the informant’s tip was corroborated, sufficiently evidencing that exigent circumstances existed. Finally, even if

the warrantless acquisition were found unconstitutional and the phone data excluded, the evidence would still be admissible pursuant to both the attenuation doctrine and the inevitable discovery doctrine.

Accordingly, the Court ADOPTS the Report and Recommendation and DENIES Defendant's motion to suppress.

IT IS SO ORDERED.

Date: March 17, 2023

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT